

**WRPC et al. v. Flambeau Mining Company**  
**Plaintiffs' Trial Exhibit List**  
**May 14, 2012**

**Legend for Objections:**

**R = Relevance**

**F = Foundation**

**H = Hearsay**

**26 = Rule 26 (Failure to disclose per Rule 26)**

**37 = Rule 37 (Inadmissible)**

**Exp-Op = Expert Testimony Opinion**

**PLAINTIFFS' TRIAL EXHIBIT LIST**

| <b>Trial Ex. No.</b> | <b>Dep. Ex. No.</b> | <b>Bates Range</b>    | <b>Description</b>  | <b>Expect to Offer</b> | <b>May Offer</b> | <b>Defendant's Objections</b>          |
|----------------------|---------------------|-----------------------|---|------------------------|------------------|--|
| 1                    | 2                   | WRPC000001-WRPC000004 | Wisconsin Department of Natural Resources, SWIMS Project Summary (July 27, 2010)                      | X                      |                  | R, F, H, 26, 37, Exp-Op                |
| 2                    | 27                  |                       | Pre-filed Direct Testimony of Philip Fauble, Wis. Div. of Hearings & Appeals, Case No. IH-07-05       | X                      |                  | R, F, H, 26, 37, Exp-Op                |
| 3                    | 48                  | FMC013810-FMC013812   | GLIFWC's Alleged Violations of Wisconsin State Water Quality Standards                                | X                      |                  | R, F, H, 26, 37, Exp-Op                |
| 4                    | 50                  | FMC018162-FMC018181   | Kennecott Minerals Company - Health, Safety, Environment and Communities Audit (June 30-July 1, 2005) | X                      | <u>CLAW</u>      | <u>BACK</u><br>R, F, H, 26, 37, Exp-Op |
| 5                    |                     | FMC021032 - FMC021034 | Email from Jana Murphy to Sharon at Foth (Sept. 1, 2009)  | X                      |                  | R, F, H, 26, 37, Exp-Op                |
| 6                    |                     | FMC036814 - FMC036886 | Jana Murphy Field Logs (2002-04)  | X                      |                  | R, F, H, 26, 37, Exp-Op                |
| 7                    |                     | FMC036887 - FMC036966 | Jana Murphy Field Logs (2004-05)  | X                      |                  | R, F, H, 26, 37, Exp-Op                |
| 8                    |                     | FMC037047 - FMC037127 | Jana Murphy Field Logs (2007-09)  | X                      |                  | R, F, H, 26, 37, Exp-Op                |

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| 9             |               | FMCC003156 - FMCC003157 | Letter from Lawrence Lynch to Jana Murphy (September 15, 2004)  | X               |           | R, F, H, 26, 37, Exp-Op |
| 10            | 130 (in part) |                         | Portions of 1989 EIR (Exhibit B to the Declaration of Dr. John Coleman, November 16, 2011) (Dkt. #51-2)   | X               |           | R, F, H, 26, 37, Exp-Op |
| 11            | 130 (in part) |                         | Photograph of culvert (Exhibit C to the Declaration of Dr. John Coleman, November 16, 2011) (Dkt. #51-3)  | X               |           | R, F, H, 26, 37, Exp-Op |
| 12            | 130 (in part) |                         | Photograph of Stream C (Exhibit D to the Declaration of Dr. John Coleman, November 16, 2011) (Dkt. #51-4) | X               |           | R, F, H, 26, 37, Exp-Op |
| 13            | 130 (in part) |                         | Photograph of Culvert (Exhibit E to the Declaration of Dr. John Coleman, November 16, 2011) (Dkt. #51-5)  | X               |           | R, F, H, 26, 37, Exp-Op |
| 14            | 130 (in part) |                         | Photograph of Stream C (Exhibit F to the Declaration of Dr. John Coleman, November 16, 2011) (Dkt. #51-6) | X               |           | R, F, H, 26, 37, Exp-Op |

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| 15                   | 130<br>(in part)    |                    | Photograph of Culvert (Exhibit G to the Declaration of Dr. John Coleman, November 16, 2011) (Dkt. #51-7)  | X                      |                  | R, F, H, 26, 37, Exp-Op       |
| 16                   | 130<br>(in part)    |                    | Photograph of Stream C (Exhibit H to the Declaration of Dr. John Coleman, November 16, 2011) (Dkt. #51-8) | X                      |                  | R, F, H, 26, 37, Exp-Op       |
| 17                   | 130<br>(in part)    |                    | Photograph of Stream C (Exhibit I to the Declaration of Dr. John Coleman, November 16, 2011) (Dkt. #51-1) | X                      |                  | R, F, H, 26, 37, Exp-Op       |
| 18                   | 123<br>(in part)    |                    | Supplemental Expert Report of Robert J. Nauta, P.G. (March 8, 2012)                                       | X                      |                  | R, F, H, 26, 37, Exp-Op       |
| 19                   | 123<br>(in part)    |                    | Nauta Resume (Appendix A to the Supplemental Expert Report of Robert J. Nauta, P.G., 2012)                | X                      |                  | R, F, H, 26, 37, Exp-Op       |
| 20                   | 123<br>(in part)    |                    | Nauta photographs (Appendix C to the Supplemental Expert Report of Robert J. Nauta, P.G.) (March 8, 2012) | X                      |                  | R, F, H, 26, 37, Exp-Op       |
| 21                   | 123<br>(in part)    |                    | Figure 1 to the Supplemental Expert Report of Robert J. Nauta, P.G.) (March 8, 2012)                      | X                      |                  | R, F, H, 26, 37, Exp-Op       |

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| 22                   | 123<br>(in part)    |                    | Figure 2 to the Supplemental Expert Report of Robert J. Nauta, P.G.) (March 8, 2012)   | X                      |                  | R, F, H, 26, 37, Exp-Op       |
| 23                   | 123<br>(in part)    |                    | Figure 3 to the Supplemental Expert Report of Robert J. Nauta, P.G.) (March 8, 2012)   | X                      |                  | R, F, H, 26, 37, Exp-Op       |
| 24                   | 124<br>(in part)    |                    | Supplemental Expert Report of Dr. David M. Chambers (March 9, 2012)  | X                      |                  | R, F, H, 26, 37, Exp-Op       |
| 25                   | 124<br>(in part)    |                    | Chambers resume (Appendix A to the Supplemental Expert Report of Dr. David M. Chambers) (March 9, 2012)                              |                        |                  | R, F, H, 26, 37, Exp-Op       |
| 26                   | 124<br>(in part)    |                    | Chambers publications and expert testimony (Appendix B to the Supplemental Expert Report of Dr. David M. Chambers) (March 9, 2012)   |                        |                  | R, F, H, 26, 37, Exp-Op       |
| 27                   | 126                 |                    | Expert Report of Dr. David M. Chambers and all attachments and figures thereto (February 24, 2012)                                   | X                      |                  | R, F, H, 26, 37, Exp-Op       |
| 28                   |                     |                    | WDNR Memorandum, Water Regulation Permit Investigation Report, Docket Number IP-NO-2011-55-03344, 45, 46 (May 18, 2011) (Dkt. #95-5) | X                      |                  | R, F, H, 26, 37, Exp-Op       |

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| 29            |              |                       | Email Exchange between Phil Fauble and Jon Kleist (March 3 - November 12, 2010) (Dkt. #95-11)   | X               |           | R, F, H, 26, 37, Exp-Op |
| 30            |              |                       | U.S. Army Corps of Engineers, Letter to Jana Murphy from Tamara E. Cameron, with all attachments thereto (July 15, 2011) (Dkt. #107-3). | X               |           | R, F, H, 26, 37, Exp-Op |
| 31            |              |                       | Defendant Flambeau Mining Company's Responses to Plaintiffs' Requests for Admission   | X               |           | R, F, H, 26, 37, Exp-Op |
| 32            |              |                       | Defendant Flambeau Mining Company's Responses to Plaintiffs' Interrogatories  | X               |           | R, F, H, 26, 37, Exp-Op |
| 33            |              | FMC018035 - FMC018037 | Facts in Response to Issues Raised at Public Hearings, Submitted by the Flambeau Mining Company   |                 | X         | R, F, H, 26, 37, Exp-Op |
| 34            |              | FMC027553 - FMC027554 | Draft Key Messages Document (undated)   |                 | X         | R, F, H, 26, 37, Exp-Op |
| 35            |              |                       | Letter from Lawrence Lynch (WDNR) to Jana Murphy (FMC) (March 20, 1998) (Dkt. #66-2).   |                 | X         | R, F, H, 26, 37, Exp-Op |
| 36            |              |                       | Letter from Suzanne Bangert (WDNR) to Jeff Earnshaw (FMC) (July 30, 1998) (Dkt. #60-9).   |                 | X         | R, F, H, 26, 37, Exp-Op |

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| 37                   |                     |                       | Letter from Lawrence Lynch (WDNR) to Jana Murphy (FMC) (September 8, 1998) (Dkt. #66-8).   |                        | X                | R, F, H, 26, 37, Exp-Op       |
| 38                   |                     |                       | Letter from Paul Luebke (WDNR) to Jana Murphy (FMC) (September 23, 1998) (Dkt. #66-9).   |                        | X                | R, F, H, 26, 37, Exp-Op       |
| 39                   |                     |                       | Water Resources Application for Project Permits, submitted by Flambeau Mining Company to the Wisconsin Department of Natural Resources (May 12, 2011). |                        | X                | R, F, H, 26, 37, Exp-Op       |
| 40                   | 146                 | FMC003286 - FMC003305 | Pre-filed Testimony of James B. Hutchison, P.E. on Behalf of Flambeau Mining Company, Wis. Div. of Hearings and Appeals, Case No. IH-07-05 (undated)   |                        | X                | R, F, H, 26, 37, Exp-Op       |
| 41                   | 148                 |                       | U.S. Geological Survey, Element Concentrations in Soils and Other Surficial Materials of the Conterminous United States (1984)                         |                        | X                | R, F, H, 26, 37, Exp-Op       |
| 42                   | 151                 | WRPC013791-WRPC013833 | Pre-filed Testimony of Steven I. Apfelbaum on behalf of Flambeau Mining Company, Wis. Div. Hearings and Appeals, Case No. IH-07-05                     |                        | X                | R, F, H, 26, 37, Exp-Op       |
| 43                   | 164                 |                       | Expert Report of Elizabeth A. Day and all attachments thereto (November 6, 2011)   |                        | X                | R, F, H, 26, 37, Exp-Op       |



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| 44                   | 167                 | WRPC011617          | Correspondence/Memorandum from Bob Rauharter to Roger Jasinski, re: Navigability of Flambeau River Tributary Streams in the Kennecott Project Area, Rusk County (November 23, 1988) |                        | X                | R, F, H, 26, 37, Exp-Op       |
| 45                   | 168                 | FMC009580-FMC009596 | Letter from Jana Murphy to Lawrence Lynch (October 24, 2005) (enclosing Foth & Van Dyke Memorandum from Steve Donohue and James Hutchison to Jana Murphy (October 10, 2005)         |                        | X                | R, F, H, 26, 37, Exp-Op       |
| 46                   | 174                 |                     | Expert Report of Stephen V. Donohue and all attachments, appendices, and figures thereto (November 7, 2011)   |                        | X                | R, F, H, 26, 37, Exp-Op       |
| 47                   | 175                 |                     | Expert Report of Stephen V. Donohue and all attachments, appendices, and figures thereto (March 28, 2011)   |                        | X                | R, F, H, 26, 37, Exp-Op       |
| 48                   |                     |                     | Wisconsin Department of Natural Resources, Impaired Water - Unnamed (Stream C, trib to Flambeau River) (Dkt. #107-2).   |                        | X                | R, F, H, 26, 37, Exp-Op       |
| 49                   |                     |                     | Various Analytic Reports prepared by Northern Lake Service, Inc. for Flambeau Mining Company (1998-2012).   |                        | X                | R, F, H, 26, 37, Exp-Op       |

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| 50                   | 153                 | FMC041698-FMC041701 | Appendix A to the Supplement   |                        | X                | R, F, H, 26, 37, Exp-Op       |
| 51                   | 155                 | AES000315-AES000334 | Consulting Services Agreement, Jan. 10, 1997   |                        | X                | R, F, H, 26, 37, Exp-Op       |
| 52                   |                     | FMC043538-FMC043534 | 2012 Property Records, Tax Key Number 014-00239-0000 (July 27, 2011)                               |                        | X                | R, F, H, 26, 37, Exp-Op       |
| 53                   |                     | FMC043123-FMC043124 | Rio Tinto, Application for Credit Enhancement Treasury Americas (November 10, 2011)                |                        | X                | R, F, H, 26, 37, Exp-Op       |
| 54                   |                     | FMC043178-FMC043180 | Foreign Corporation Annual Report, 3/28/2011   |                        | X                | R, F, H, 26, 37, Exp-Op       |
| 55                   |                     | FMC043109-FMC043114 | Letter from Jack R. Welch to Philip N. Fauble (May 5, 2008)  |                        | X                | R, F, H, 26, 37, Exp-Op       |
| 56                   |                     |                     | Defendant Flambeau Mining Company's Responses to Plaintiffs' Requests for Admission.               |                        | X                | R, F, H, 26, 37, Exp-Op       |
| 57                   |                     |                     | Defendant Flambeau Mining Company's Responses to Plaintiffs' Interrogatories.                      |                        | X                | R, F, H, 26, 37, Exp-Op       |
| 58                   |                     |                     | Defendant Flambeau Mining Company's Responses to Plaintiffs' Requests for Production of Documents. |                        | X                | R, F, H, 26, 37, Exp-Op       |



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| 59                   |                     |                    | Fed. R. Civ. P. 30(b)(6) Deposition Transcript of WDNR (Craig P. Roesler, deponent), July 27, 2011.                  |                        | X                | R, F, H, 26, 37, Exp-Op       |
| 60                   |                     |                    | Fed. R. Civ. P. 30(b)(6) Deposition Transcript of WDNR (Lawrence J. Lynch, deponent) July 29, 2011.                  |                        | X                | R, F, H, 26, 37, Exp-Op       |
| 61                   |                     |                    | Fed. R. Civ. P. 30(b)(6) Deposition Transcript of WDNR (Philip Fauble, deponent), October 13, 2011.                  |                        | X                | R, F, H, 26, 37, Exp-Op       |
| 62                   |                     |                    | Fed. R. Civ. P. 30(b)(6) Deposition Transcript of Flambeau Mining Company (Jana Murphy, deponent), November 9, 2011. |                        | X                | R, F, H, 26, 37, Exp-Op       |
| 63                   |                     |                    | Deposition Transcript of Robert Nauta, March 13, 2012.   |                        | X                | R, F, H, 26, 37, Exp-Op       |
| 64                   |                     |                    | Deposition Transcript of Dr. David Chambers, March 20, 2012  |                        | X                | R, F, H, 26, 37, Exp-Op       |
| 65                   |                     |                    | Deposition Transcript of Dr. John Coleman, March 21, 2012.   |                        | X                | R, F, H, 26, 37, Exp-Op       |
| 66                   |                     |                    | Deposition Transcript of Stantec, Inc. (James W. Engelhardt, deponent) April 2, 2012.                                |                        | X                | R, F, H, 26, 37, Exp-Op       |

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| 67                   |                     |                       | Fed. R. Civ. P. 30(b)(6) Deposition Transcript of Foth Infrastructure & Environment, LLC (James B. Hutchison, deponent), April 4, 2012. |                        | X                | R, F, H, 26, 37, Exp-Op       |
| 68                   |                     |                       | Fed. R. Civ. P. Deposition Transcript of Foth Infrastructure & Environment, LLC (Stephen Donohue, deponent), April 4, 2012.             |                        | X                | R, F, H, 26, 37, Exp-Op       |
| 69                   |                     |                       | Fed. R. Civ. P. 30(b)(6) Deposition Transcript of Applied Ecological Services, Inc. (Steven Apfelbaum, deponent), April 5, 2012.        |                        | X                | R, F, H, 26, 37, Exp-Op       |
| 70                   |                     |                       | Deposition Transcript of Elizabeth A. Day, April 13, 2012.  |                        | X                | R, F, H, 26, 37, Exp-Op       |
| 71                   |                     |                       | Deposition Transcript of Stephen V. Donohue, April 19, 2012.  |                        | X                | R, F, H, 26, 37, Exp-Op       |
| 72                   |                     |                       | Deposition Transcript of Craig P. Roesler, April 20, 2012.  |                        | X                | R, F, H, 26, 37, Exp-Op       |
| 73                   |                     | WRPC007021-WRPC007023 | Resume of Dr. John Coleman (Dkt. #185-2)  | X                      |                  | R, F, H, 26, 37, Exp-Op       |
|                      |                     |                       | Any exhibits identified by Defendant  |                        | X                | R, F, H, 26, 37, Exp-Op       |